

**PUBLIC MEETING
September 23, 2010
MINUTES**

Chairman Mike Murray called the meeting to order at 9 a.m.

Commissioners Derek Brown and Andy Hunthausen were present. Others attending all or a portion of the meeting included Eric Bryson, K. Paul Stahl, Marsha Davis, K. Paul Stahl, Kelly Blake, Lindsay Morgan, Nancy Everson, Carrie Severson, Jack Walsh, Dean Retz, Ryan Werner, Cheryl Green, Maria Penna, John Grant, Chad Koehler, Dean Retz, and Rita Cortright, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Consent Action Items. (Eric Bryson)

- a. Resolution 2010-305 Ordering a Refund of Taxes/Fees/Assessments Paid by M.E. and Kay Sather in the Amount of \$313.74. (Cheryl Green)
- b. Resolution 2010-306 Ordering a Refund of Taxes/Fees/Assessments Paid by Marcia K. Lauer in the Amount of \$63.57. (Cheryl Green)
- c. Resolution 2010-308 Ordering a Refund of Taxes/Fees/Assessments Paid by Lance Wetzel and Cassandra Rice-Wetzel in the Amount of \$3,105.58. (Cheryl Green)

Eric Bryson reported on the consent agenda and recommended approval.

No public comments were received.

Commissioner Hunthausen moved approval of the consent action items and authorized the Chair to sign. Commissioner Brown seconded the motion. The motion carried 3-0.

Lewis and Clark County Levies for Schools 2010-2011. Superintendent of Schools, Dr. Marsha Davis, presented the county school district budgets for 2010-2011. Total mills for this year are 108.53, which is an increase of about 2 mills over last year. A chart showing a 6-year trend for retirement and transportation costs was reviewed.

Dr. Davis explained equalization levies, state and county and how that money is collected and distributed. The statewide equalization mill levy of 40 mills and the 55 mill county levy go into the state general fund. The purpose of those levies is to support the statewide funding of school districts in the form of direct state aid, the guaranteed tax base aid, the state transportation aid, and state special education funding. Some of that money comes back to the county and the school districts as part of the guaranteed tax base. The budgets are approved by each district's Board of Trustees. Auchard Creek is on the Milford Hutterite Colony and it is a public school district. Currently, there are only Hutterite children that attend that school, but any child that is non-Hutterite would be able to attend that school if they chose to and they follow the same accreditation standards.

No public comments were received.

Commissioner Brown moved approval of the levies as presented and authorized the Chair to sign. Commissioner Hunthausen seconded the motion. The motion carried 3-0.

Resolution 2010-307 Providing for the Annual Tax Levy in Mills for the Fiscal Year July 1, 2010 through June 30, 2011. (Finance Officer, Nancy Everson)

Nancy Everson gave a PowerPoint presentation on the mill levy resolution. The Commissioners approved the final operating budget for the county in July. Mill levies are established in August after we receive taxable valuations from the Department of Revenue. The County Treasurer is responsible for levying and collecting the tax for special districts, schools, the county and the cities in the county. The tax levy mill sheet attached to the resolution was reviewed. Tax levy types included all county property levies; outside incorporated cities levies; special assessments (RIDs); and special districts. Changes from the prior year were reviewed. A five-year history of tax levies from 2007 to 2011 was reviewed.

No public comments were received.

Commissioner Brown moved approval of the resolution as presented and authorized the Chair to sign. Commissioner Hunthausen seconded the motion. The motion carried 3-0.

Resolution 2010-303 Levying an Assessment Upon Customers of the Scratch Gravel Solid Waste Management District Owning Mobile Homes as Personal Property in the District and Owning a Pay-As-You-Throw Program Charge After August 10, 2010. (Maria Penna)

Maria Penna presented the resolution for the Pay-As-You-Throw Program for the period ending June 30, 2010. The additional charges are from permit holders who had exceeded the 1.5 ton limit. If approved, these outstanding charges would be placed on the property owner's tax bill. Staff recommended that the Board approve the resolutions for both the real and mobile home properties.

No public comments were received.

Commissioner Brown moved approval of the resolution and authorized the Chair to sign. Commissioner Hunthausen seconded the motion. The motion carried 3-0.

Resolution 2010-304 Levying an Assessment Upon Customers of the Scratch Gravel Solid Waste Management District Owning Real Property in the District and Owning a Pay-As-You-Throw Program Charge After August 10, 2010. (Maria Penna)

Maria Penna presented the resolution for the real property homeowners.

No public comments were received.

Commissioner Brown moved approval of the resolution and authorized the Chair to sign. Commissioner Hunthausen seconded the motion. The motion carried 3-0.

Proposed Major Subdivision to be known as Frontier Village Estates. (Applicant: KW Enterprises, Inc.) (Planner: Lindsay Morgan). The applicant proposes to divide the existing 39.06-acre tract of land into 36 lots, each for one single-family dwelling. The proposed subdivision is located west of and adjacent to Midnite Drive and north of and adjacent to John G. Mine Road, between one-quarter of a mile and one-half of a mile east of the junction of Applegate Drive and John G. Mine Road. The applicant has requested two variances from county subdivision regulations. The applicant has proposed a pedestrian/bicycle easement and trail for the parkland dedication. (Cont'd from 9/21/10)

Lindsay Morgan recommended approval of the proposed preliminary plat subject to the conditions and findings and conclusions as amended by both the Planning Board and as proposed in the interoffice memorandum that's dated September 17, 2010. Two variance requests would need to be considered, (1) to allow double-fronted lots; and (2) to allow for the internal access roads to be constructed to the gravel standard instead of the required paved standard.

There was discussion on making a main motion and then consider variances within the main motion. Deputy County Attorney Paul Stahl stated it would be acceptable as long as the vote on variances occur before the vote on the subdivision.

Commissioner Brown moved approval of the subdivision as presented. Commissioner Hunthausen seconded the motion.

Variances -

-To allow double-fronted lots. Commissioner Hunthausen moved approval of the variance as recommended by the Planning Board. Commissioner Brown seconded the motion. The motion carried 3-0.

-To allow for the internal access roads to be constructed to the gravel standard instead of the required paved standard. Commissioner Hunthausen moved to deny the variance as it does not meet the criteria. Commissioner Murray seconded the motion.

After further discussion, Commissioner Hunthausen offered a substitute motion to delay action on this subdivision until Tuesday, October 5 to study additional alternatives for relief. Commissioner Murray seconded the motion. Commissioner Brown voted no. The motion carried 2-1.

Announcements -

- 1) The Commission will not meet Tuesday, September 28. Commissioners will be attending the Annual Meeting of the Montana Association of Counties.

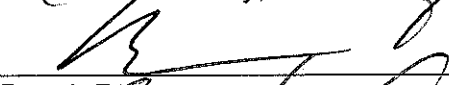
- 2) County Commission Candidate's Forum, Wednesday, September 29, from 7–8:30 p.m. in the Chambers.

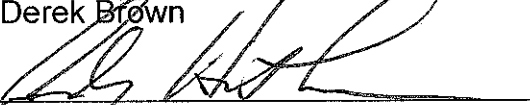
Public comments on any public matter within the jurisdiction of the Commission that is not on the agenda above. None.

There was no other business, the meeting adjourned at 9:57 a.m.

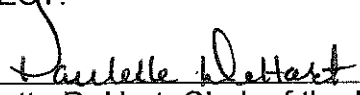
LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Michael A. Murray, Chairman


Derek Brown


Andy Hunthausen

ATTEST:


Paulette DeHart, Clerk of the Board